

1 A bill to be entitled
2 An act relating to financial responsibility for medical
3 expenses of pretrial detainees or sentenced inmates;
4 amending s. 901.35, F.S.; providing that the
5 responsibility for paying the expenses of medical care,
6 treatment, hospitalization, and transportation for a
7 person who is ill, wounded, or otherwise injured during or
8 as a result of an arrest for a violation of a state law or
9 a county or municipal ordinance is the responsibility of
10 the person receiving the medical care, treatment,
11 hospitalization, or transportation; deleting provisions
12 establishing the order by which medical providers receive
13 reimbursement for the expenses incurred in providing the
14 medical services; amending s. 951.032, F.S.; setting forth
15 the order by which a county or municipal detention
16 facility may seek reimbursement for the expenses incurred
17 during the course of treating in-custody pretrial
18 detainees or sentenced inmates; requiring each in-custody
19 pretrial detainee or sentenced inmate who receives medical
20 care or other services to cooperate with the county or
21 municipal detention facility in seeking reimbursement for
22 the expenses incurred by the facility and providing for
23 certain liens against detainees or prisoners; setting
24 forth the order of fiscal resources from which a third-
25 party provider of medical services may seek reimbursement
26 for the expenses the provider incurred in providing
27 medical care; requiring each in-custody pretrial detainee
28 or sentenced inmate who has health insurance, subscribes

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29 to a health care corporation, or receives health care
 30 benefits from any other source to assign such benefits to
 31 the health care provider; requiring assignment of health
 32 insurance or health care benefits to providers by
 33 detainees or inmates who have such insurance or benefits;
 34 providing an effective date.

35
 36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. Section 901.35, Florida Statutes, is amended to
 39 read:

40 901.35 Financial responsibility for medical expenses.—

41 ~~(1) Except as provided in s. 951.032 Notwithstanding any~~
 42 ~~other provision of law,~~ the responsibility for paying the
 43 expenses of medical care, treatment, hospitalization, and
 44 transportation for any person ill, wounded, or otherwise injured
 45 during or as a result ~~at the time~~ of an arrest for any violation
 46 of a state law or a county or municipal ordinance is the
 47 responsibility of the person receiving such care, treatment,
 48 hospitalization, and transportation. ~~The provider of such~~
 49 ~~services shall seek reimbursement for the expenses incurred in~~
 50 ~~providing medical care, treatment, hospitalization, and~~
 51 ~~transportation from the following sources in the following~~
 52 ~~order:~~

53 ~~(a) From an insurance company, health care corporation, or~~
 54 ~~other source, if the prisoner is covered by an insurance policy~~
 55 ~~or subscribes to a health care corporation or other source for~~
 56 ~~those expenses.~~

57 ~~(b) From the person receiving the medical care, treatment,~~
 58 ~~hospitalization, or transportation.~~

59 ~~(c) From a financial settlement for the medical care,~~
 60 ~~treatment, hospitalization, or transportation payable or~~
 61 ~~accruing to the injured party.~~

62 ~~(2) Upon a showing that reimbursement from the sources~~
 63 ~~listed in subsection (1) is not available, the costs of medical~~
 64 ~~care, treatment, hospitalization, and transportation shall be~~
 65 ~~paid:~~

66 ~~(a) From the general fund of the county in which the~~
 67 ~~person was arrested, if the arrest was for violation of a state~~
 68 ~~law or county ordinance; or~~

69 ~~(b) From the municipal general fund, if the arrest was for~~
 70 ~~violation of a municipal ordinance.~~

71
 72 ~~The responsibility for payment of such medical costs shall exist~~
 73 ~~until such time as an arrested person is released from the~~
 74 ~~eustody of the arresting agency.~~

75 ~~(3) An arrested person who has health insurance,~~
 76 ~~subscribes to a health care corporation, or receives health care~~
 77 ~~benefits from any other source shall assign such benefits to the~~
 78 ~~health care provider.~~

79 Section 2. Section 951.032, Florida Statutes, is amended
 80 to read:

81 951.032 Financial responsibility for medical expenses.—

82 (1) A county detention facility or municipal detention
 83 facility incurring expenses for ~~providing~~ medical care,
 84 treatment, hospitalization, or transportation provided by the

85 county or municipal detention facility may seek reimbursement
 86 for the expenses incurred during the course of treatment of in-
 87 custody pretrial detainees or sentenced inmates in the following
 88 order:

89 (a) From the in-custody pretrial detainee or sentenced
 90 inmate ~~prisoner or person~~ receiving medical care, treatment,
 91 hospitalization, or transportation by deducting the cost from
 92 the in-custody pretrial detainee's or sentenced inmate's
 93 ~~prisoner's~~ cash account on deposit with the detention facility.
 94 If the in-custody pretrial detainee's or sentenced inmate's
 95 ~~prisoner's~~ cash account does not contain sufficient funds to
 96 cover medical care, treatment, hospitalization, or
 97 transportation, ~~then~~ the detention facility may place a lien
 98 against the in-custody pretrial detainee's or sentenced inmate's
 99 ~~prisoner's~~ cash account or other personal property, to provide
 100 payment in the event sufficient funds become available at a
 101 later time. Any existing lien may be carried over to future
 102 incarceration of the same detainee or inmate ~~prisoner~~ as long as
 103 the future incarceration takes place within the county
 104 originating the lien and the future incarceration takes place
 105 within 3 years after ~~of~~ the date the lien was placed against the
 106 in-custody pretrial detainee's or sentenced inmate's ~~prisoner's~~
 107 account or other personal property.

108 (b) From an insurance company, health care corporation, or
 109 other source if the in-custody pretrial detainee or sentenced
 110 inmate ~~prisoner or person~~ is covered by an insurance policy or
 111 subscribes to a health care corporation or other source for
 112 those expenses.

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113 (2) An in-custody pretrial detainee or sentenced inmate ~~A~~
114 ~~prisoner~~ who receives medical care, treatment, hospitalization,
115 or transportation by a county or municipal detention facility
116 shall cooperate with that ~~the county detention facility or~~
117 ~~municipal detention facility~~ in seeking reimbursement under
118 paragraphs (1)(a) and (b) for expenses incurred by the facility
119 for the in-custody pretrial detainee or sentenced inmate
120 ~~prisoner~~. An in-custody pretrial detainee or sentenced inmate ~~A~~
121 ~~prisoner~~ who willfully refuses to cooperate with the
122 reimbursement efforts of the detention facility may have a lien
123 placed against his or her ~~the prisoner's~~ cash account or other
124 personal property and may not receive gain-time as provided by
125 s. 951.21.

126 (3) A third-party provider of medical care, treatment,
127 hospitalization, or transportation for in-custody pretrial
128 detainees or sentenced inmates of a county or municipal
129 detention facility shall seek reimbursement for the expenses
130 incurred in providing medical care, treatment, hospitalization,
131 and transportation to such in-custody pretrial detainees or
132 sentenced inmates from the following sources in the following
133 order:

134 (a) From an insurance company, health care corporation, or
135 other source, if the pretrial detainee or sentenced inmate is
136 covered by an insurance policy or subscribes to a health care
137 corporation or other source for those expenses.

138 (b) From the pretrial detainee or sentenced inmate
139 receiving the medical care, treatment, hospitalization, or
140 transportation.

141 (c) From a financial settlement for the medical care,
 142 treatment, hospitalization, or transportation payable or
 143 accruing to the injured pretrial detainee or sentenced inmate.

144 (4) Upon a showing by the third-party provider that a good
 145 faith effort was made, consistent with that provider's usual
 146 policies and procedures related to the collection of fees from
 147 indigent patients outside the custody of a county or municipal
 148 detention facility, to obtain reimbursement from the sources
 149 listed in subsection (1), but that such reimbursement is not
 150 available, the costs of medical care, treatment,
 151 hospitalization, and transportation shall be paid:

152 (a) From the general fund of the county in which the
 153 person was arrested, if the arrest was for violation of a state
 154 law or county ordinance; or

155 (b) From the municipal general fund, if the arrest was for
 156 violation of a municipal ordinance.

157
 158 Absent a written agreement between the third-party provider and
 159 the governmental body, remuneration made pursuant to paragraph
 160 (a) or paragraph (b) shall be billed by the third-party provider
 161 and paid by the governmental body at a rate not to exceed 110
 162 percent of the Medicare allowable rate for such services.
 163 Compensation to a third-party provider may not exceed 125
 164 percent of the Medicare allowable rate if there is no written
 165 agreement between the third-party provider and the governmental
 166 body, and the third-party provider reported a negative operating
 167 margin for the previous year to the Agency for Health Care
 168 Administration through hospital-audited financial data. However,

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169 these maximum allowable rates do not apply to amounts billed and
170 paid for physicians licensed under chapter 458 or chapter 459
171 for emergency services provided within a hospital emergency
172 department. The responsibility of the governmental body for
173 payment of any in-custody medical costs shall cease upon release
174 of the in-custody pretrial detainee or sentenced inmate.

175 (5) An in-custody pretrial detainee or sentenced inmate
176 who has health insurance, subscribes to a health care
177 corporation, or receives health care benefits from any other
178 source shall assign such benefits to the health care provider.

179 Section 3. This act shall take effect July 1, 2011.